



**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK**

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ALBERT T. BEANE, JR., individually and on :
behalf of all others similarly situated, :

Plaintiff, :

- against - :

THE BANK OF NEW YORK MELLON, :
BNY CONVERGEX EXECUTION SOLUTIONS :
LLC, and CALLAN ASSOCIATES, INC., :

Defendants. :
-----X

07 Civ. 09444 (RMB)

ORDER

Based on the Plaintiff's letter, dated August 8, 2008, informing the Court that "the parties reached an agreement in principle to settle the lawsuit," it is hereby

ORDERED, that Plaintiff's Motion to Certify a Class of ERISA Plans, and Defendants' Joint Motion to Dismiss the Complaint are dismissed as moot. The Clerk is respectfully requested to dismiss motions [# 45] and [#53].

Dated: New York, New York
September 2, 2008

A handwritten signature in black ink, appearing to read "RMB".

Richard M. Berman, U.S.D.J.